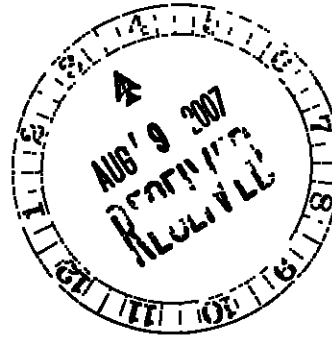


Freeborn & Peters LLP

August 8, 2007

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



**Re: Surface Transportation Board Docket No. AB-6 (Sub No. 456X);
The BNSF Railway Company Abandonment of Riverside, California**

Attorneys at Law

311 South Wacker Drive
Suite 3050
Chicago, Illinois
60606-6577
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6596
bnettl@freebornpeters.com

Dear Secretary Williams:

Enclosed for filing in the referenced docket are the original and ten copies of The Burlington Northern and Santa Fe Railway Company's Notice of Exemption, and a check for \$3,200.00, covering the filing fee.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope

The environmental and historic reports have been forwarded to the responsible agencies and copies have been directed to the Section of Environmental Analysis. The Notice of Exemption includes a certificate of notice upon various interested state and federal authorities (the U. S. Department of the Interior -- National Park Service, Recreation and Conservation Assistance Program, the U. S. Department of the Interior -- National Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the California Public Utilities Commission; the California Department of Transportation, and the Chief of Forest Service, U. S. Department of Agriculture)

Sincerely,

Brian Nettles

/bn
Enclosures

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TRANSPORTATION BOARD

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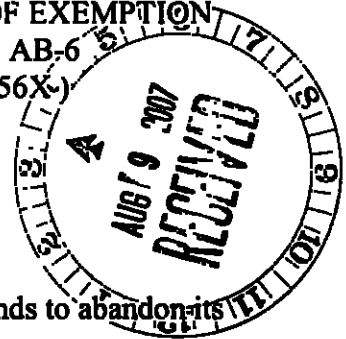
AUG - 9 / 2007

BEFORE THE

SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between BNSF ES 0 + 00 and
ES 26 + 35 in Riverside, Riverside County,
California

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 456X-)



TO THE SURFACE TRANSPORTATION BOARD

BNSF Railway Company (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between ES 0 + 00 to ES 26 + 35 in Riverside, California, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50. A portion of the trackage for this proposed abandonment has been mistakenly removed by a contractor for the city of Riverside and if the abandonment is not approved, the track will be restored by BNSF at the city's expense. In support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

October 1, 2007

- II Certification required in 49 C.F.R. § 1152 50(b)

FILED
AUG 9 2007
SURFACE TRANSPORTATION BOARD

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Susan Odom certifies that no local

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traffic has moved over this line for at least two (2) years and there is no overhead traffic to be rerouted.

III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (c)(4).

(a) General

- (1) Exact name of Applicant.**

BNSF Railway Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.**

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105

- (3) Relief sought**

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Riverside, California line specified above.

- (4) Detailed map of the subject line.**

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.**

**Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, IL 60606-6677**

- (6) List of all United State Postal Service ZIP Codes that the line traverses.**

**The Riverside, California line traverses United
States Postal Service Zip code 92504**

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.**

The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

V Certification that the notice requirements of §§ 1152.50(d)(1) and
1105.11 have been met is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', is written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax (312) 360-6598

Date: August 8, 2007

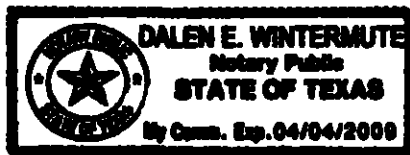
VERIFICATION

STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Susan Odom makes oath and says she is Manager, Network Strategy in the Network Development department of BNSF Railway Company; that she has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 456X); that she affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that she has carefully examined all of the statements in the Notice; that she has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of her knowledge, information, and belief.


Susan Odom
Manager, Network Strategy

Subscribed and sworn to before me the 25th day of July, 2007.




Notary Public

**BNSF RAILWAY COMPANY
NO. AB-6 (Sub No 456X)**

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the California Public Utilities Commission; the California Department of Transportation; the Chief Projects Analyst at the Office of Planning and Research; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on July 10, 2007, (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on July 10, 2007; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on July 10, 2007; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on July 12, 2007 in The Press-Enterprise, affidavit of publication is attached.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: August 8, 2007

THE PRESS-ENTERPRISE

3512 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc NOI - Abandon Rail - Riverside

I am a citizen of the United States I am over the age of eighteen years and not a party to or interested in the above entitled matter I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit

07-12-07

I Certify (or declare) under penalty of perjury that the foregoing is true and correct

Date Jul 12, 2007
At Riverside, California



FREEBORN & PETERS
311 S WACKER DR
SUITE 3000
CHICAGO IL 60606-6677

Ad # 8657590

PO #

Agency # _____

Ad Copy

NOTICE OF INTENT TO ABANDON

The BNSF Railway Company gives notice that on or after August 9, 2007, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment or discontinuance of service on 0.50 miles of railroad line between railroad milepost ES 0 + 00 and ES 26 + 35 in Riverside, California, which line segment traverses through United States Postal Zip Code 92504 in Riverside County, California. The proceeding will be docketed as No AB 6 (Sub-No 456X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analyses, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202 565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724 7/12

BEFORE THE
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between BNSF ES 0 + 00 and ES 26 + 35 in
Riverside, California

Docket No AB-6
(Sub-No. 456X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board ("Board") by BNSF Railway Company ("BNSF") in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between ES 0 + 00 to ES 26 + 35 in Riverside, Riverside County, California, a total distance of 0.50 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service on the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service and there is no overhead traffic to be rerouted.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

BNSF believes the proposed exemption will not be inconsistent with local or regional land use plans. BNSF is currently in negotiations with the City of Riverside to purchase the right of way and the City of Riverside has already purchased the adjacent property.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

BNSF believes the proposed exemption will not affect any prime agricultural land. The Natural Resources Conservation Service was notified by letters dated December 19, 2006 and April 10, 2007 but has not yet responded. See Exhibit D.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

BNSF does not know whether the right-of-way is suitable for alternative public uses. The City of Riverside was notified by letters dated December 19, 2006 and April 10, 2007. See Exhibit B. As of the date of this report, the City of Riverside has not responded to that inquiry. The Riverside County was notified by letter dated December 19, 2006 and

April 10, 2007. See Exhibit C. As of the date of this report, the Riverside County has not responded to that inquiry.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

BNSF is not aware of any economically recoverable energy resources along the line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service and there is no overhead traffic to be rerouted.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service and there is no overhead traffic to be rerouted.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service and the overhead traffic has been re-routed.

(5) Air:

(i) If the proposed action will result in either.

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service and there is no overhead traffic to be rerouted.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service and there is no overhead traffic to be rerouted.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service and there is no overhead traffic to be rerouted.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There is one public crossing and no private crossings on the line.

During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There is no evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

(8) Biological resources:

(1) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

BNSF believes the proposed exemption will not affect endangered or threatened species or areas designated as critical habitat. The Munz's Onion (*Allium munzii*), the San Diego Ambrosia (*Ambrosia pumila*), the thread-leaved brodiaea (*Brodiaea filifolia*), the slender-horned spineflower (*Dodecahema leptoceras*), the Santa Ana River woollystar (*Eriastrum densifolium ssp. Santorum*), southwestern willow flycatcher (*Empidonax traillii extimus*), the least Bell's vireo (*Vireo bellii pusillus*), the Stevens' kangaroo rat (*Dipodomys*

stephensi) and Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) are federally endangered or threatened species that may occur in the vicinity of the proposed abandonment. See Exhibits E, letter from the U.S. Fish and Wildlife Service.

(11) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF believes the proposed exemption will not affect wildlife sanctuaries or refuges, National or State parks or forests. The California Department of Parks and Recreation. See Exhibit F. The BLM has concluded that there is no federal land or interest in land in Section 9 and that the proposed action will have no effect on the BLM. See Exhibit G, letter from the Bureau of Land Management.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The California Regional Water Quality Control Board was notified by a letter dated December 19, 2006. See Exhibit H, letter to the California Regional Water Quality Control Board.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

A Section 404 permit is not required. See Exhibit I, letter from the U S. Army Corps of Engineers.

BNSF believes the proposed exemption will not affect the 100-year floodplains. The City of Riverside was notified by letters dated December 19, 2006 and April 10, 2007. See Exhibit J. As of the date of this report, the City of Riverside has not responded directly to that inquiry.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

BNSF believes Section 402 permits will be required for the proposed action. On January 8, 2007 I talked with Michael Roth from the California Regional Water Quality Control Board and he stated that if the total area of land to be disturbed in the proposed abandonment was less than one acre, than no NPDES permit was necessary. If the total area exceeded one acre, than an NPDES permit was necessary. The area of proposed abandonment is approximately 52,700 square feet, which is greater than one acre.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a long horizontal flourish extending to the right.

**Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone (312) 360-6724
Fax. (312) 360-6598**

Date: August 8, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Abandonment of a line of Railroad
Between BNSF ES 0 + 00 and ES 26 + 35 in
Riverside, California**

**Docket No. AB-6
(Sub-No. 456X)**

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The BNSF Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between ES. 0 + 00 to ES 26 + 35 in Riverside, Riverside County, California, a total distance of 0.50 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the California State Office of Historic Preservation and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The right of way proposed for abandonment is less than 1/2 mile in length (2635 feet) and just 20 feet in width. It is located in an urban, light industrial area of Riverside, California, the county seat of Riverside County. Riverside's estimated population in

2003 was 281,514 residents. The surrounding elevation is fairly even at approximately 827 feet above sea level

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no bridges or railroad structures that are 50 years or older in the immediate area of the abandonment.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Formerly known as the Prenda Spur, the trackage once served a stone quarry and several citrus packing houses. It was originally laid by Southern California Railway Company in 1896-1898. SCR's property was sold to The Atchison, Topeka and Santa Fe Railway Company in January 1906. ATSF merged with Burlington Northern Railroad Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which the name was changed to BNSF Railway Company in January 2005.

Once abandoned, the right of way will be sold to the City of Riverside for a fire department training facility.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too

large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. Two cultural resource studies involved a portion of the project area, however, no cultural resources properties or possible historical structures or features are recorded within the boundaries of the project area. See Exhibit K, Letter from the Eastern Information Center. The Eastern Information Center further states that the project area should be surveyed systematically by a qualified archeologist to identify all cultural resources and provide recommendations regarding their significance and management prior to any development of the property.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Dr. Suite 3000

Chicago, Illinois 60606-6677

Phone: (312) 360-6724

Fax: (312) 360-6598

Date: August 8, 2007

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The BNSF Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on July 10, 2007, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Milford Wayne Donaldson
State Historic Preservation Officer
California State Office of Historic
Preservation
1416 9th Street, Room 1442-7
Sacramento, CA 95814

Janis Calleja
Information Officer
Eastern Information Center
Department of Anthropology
University of California
Riverside, CA 92521-0418

California Dept. of Parks and Recreation
1416 9th Street
Sacramento, CA 95814

Bureau of Land Management
California State Office
2800 Cottage Way, Suite W-1834
Sacramento, CA 95825-1886

Riverside County Board of Supervisors
4080 Lemon Street, 12th Floor
County Executive Office
Riverside, CA 92501-3679

Amelia Vailuu
City of Riverside
3900 Main Street
Riverside, CA 92522

Frank Schiavone
City Council Ward 4
3900 Main Street
Riverside, CA 92522

Riverside Public Works Department
3900 Main Street
Riverside, CA 92522

Chief, Division of Endangered Species
U.S. Fish and Wildlife Service
911 NE 11th Ave
Portland, OR 97232

Karen Goebel
Assistant Field Supervisor
United States Department of the Interior
Fish and Wildlife Services
Ecological Services
Carlsbad Fish & Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

California Department of Fish and Game
Habitat Conservation Planning Branch
1416 Ninth Street
Sacramento, California 95814

Natural Resources Conservation Service
Indio Service Center
82-901 Bliss
Indio, CA 92201-4355

Daniel Swenson
Senior Project Manager
South Coast Branch
Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles CA 90053-2325

U S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Chief Projects Analyst
Office of Planning and Research
P O. Box 3044
Sacramento, CA 95812-3044

California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102-3298

Richard Snay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20910

Natural Resources Conservation Service
Riverside Area Office
4500 Glenwood Dr.
Riverside, CA 92501-3042

Michael Roth
California Regional Water Quality
Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Chuck Bell
State Conservationist
Natural Resources Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

California Environmental Protection
Agency
PO Box 2815
Sacramento, California 95812-2815

California Department of Transportation
P O. Box 942873
Sacramento, CA 94273-0001

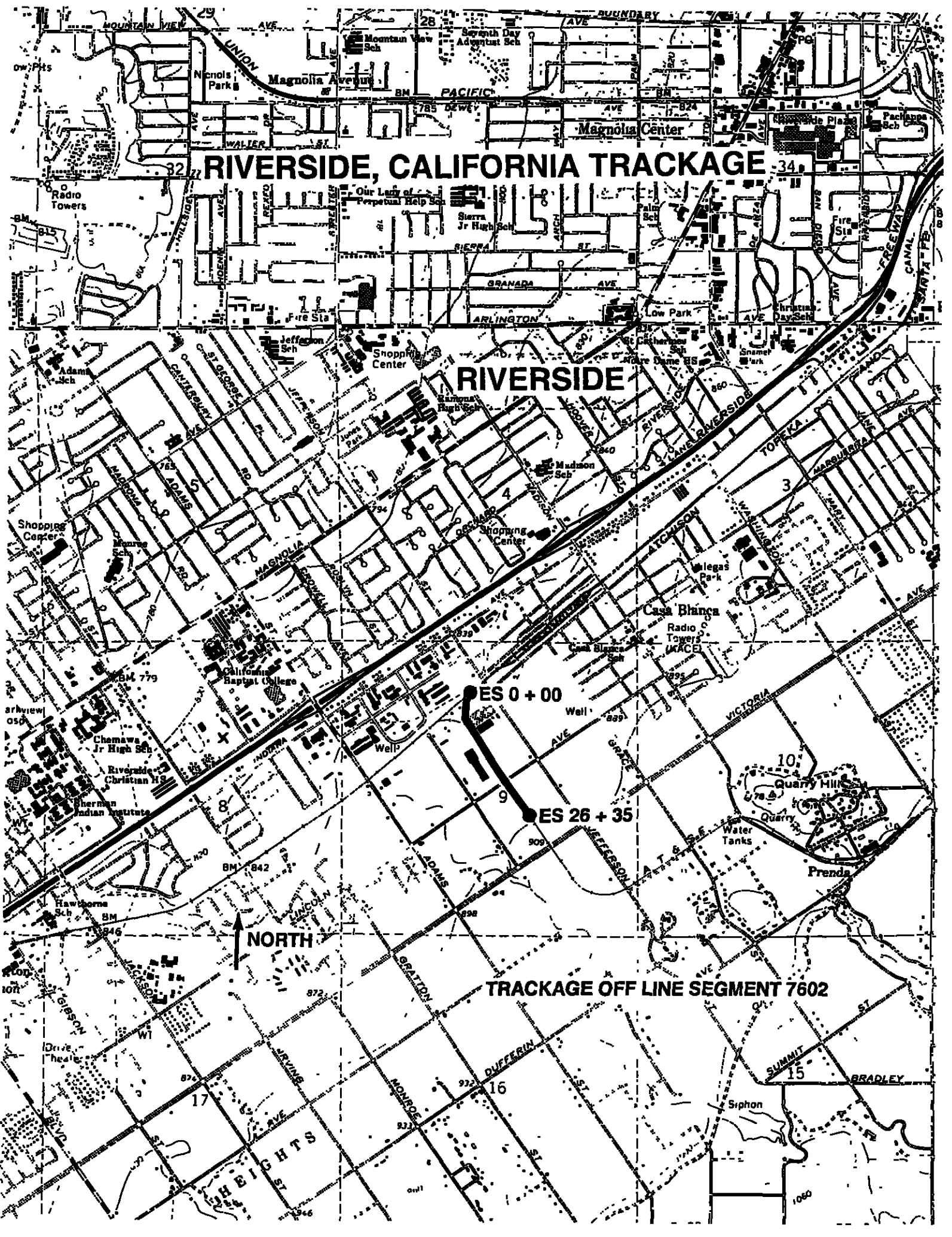
Regional Director
National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598
Date: August 8, 2007

A



RIVERSIDE, CALIFORNIA TRACKAGE

RIVERSIDE

TRACKAGE OFF LINE SEGMENT 7602

NORTH

ES 0 + 00

ES 26 + 35

Quarry Hill

Prenda

Siphon

1060

B

Freeborn & Peters LLP

April 10, 2007

Amelia Vailuu
City of Riverside
3900 Main Street
Riverside, CA 92522

Re: The BNSF Railway Company Abandonment of Riverside, California

Dear Ms. Vailuu

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606 6671
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6396
bnettle@
freebornpeters.com

Chicago

Springfield

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between ES 0 + 00 and ES 26 + 35 in Riverside, California

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail

The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties are removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures are removed last. Culverts and the rail line embankment stay intact so as not to alter the prevailing water flows along the line. Any bridge pilings are pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are required not to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right of way. When the salvage process is complete, water flows in the area should not be disrupted.

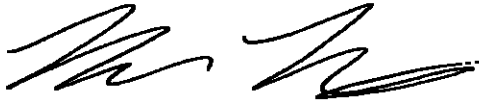
For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation

Freeborn & Peters LLP

Amelia Vailuo
April 10, 2007
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Nettles", with a stylized, cursive script.

Brian Nettles

/s/
Enclosure

Freeborn & Peters LLP

December 19, 2006

Frank Schiavone
City Council Ward 4
3900 Main Street
Riverside, CA 92522

Re: The BNSF Railway Company Abandonment of Riverside, California

Dear Mr. Schiavone

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
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**Frank Schiavone
December 19, 2006
Page 2**

Sincerely,

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Brian Nettles

**/bn
Enclosure**

C

Freeborn & Peters LLP

April 10, 2007

Riverside County Board of Supervisors
4080 Lemon Street, 12th Floor
County Executive Office
Riverside, CA 92501-3679

Re: *The BNSF Railway Company Abandonment of Riverside, California*

Dear Sir or Madam.

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312 360 6000

Bryan Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6396
bnettl@
freebornpeters.com

Chicago

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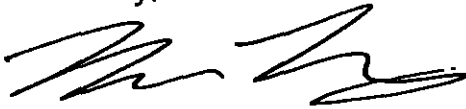
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Freeborn & Peters LLP

Riverside County Board of Supervisors
April 10, 2007
Page 2

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Brian Nettles

/bn
Enclosure

Freeborn & Peters LLP

December 19, 2006

Riverside County Board of Supervisors
4080 Lemon Street, 12th Floor
County Executive Office
Riverside, CA 92501-3679

Re: *The BNSF Railway Company Abandonment of Riverside, California*

Dear Sir or Madam:

Attorneys at Law

111 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312 360.6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6396
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Thank you in advance for your cooperation.

Freeborn & Peters LLP

**Riverside County Board of Supervisors
December 19, 2006
Page 2**

Sincerely,

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Brian Nettles

**/bn
Enclosure**

D

Freeborn & Peters LLP

April 10, 2007

Natural Resources Conservation Service
Riverside Area Office
4500 Glenwood Dr
Riverside, Ca 92501-3042

Re: The BNSF Railway Company Abandonment of Riverside, California

Dear Sir or Madam:

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606 6677
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6596
bnettl@freebornpeters.com

Chicago

Springfield

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between FS 0 + 00 and ES 26 + 35 in Riverside, California

As part of the environmental report BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands

The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties are removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures are removed last. Culverts and the rail line embankment stay intact so as not to alter the prevailing water flows along the line. Any bridge pilings are pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are required not to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right of way. When the salvage process is complete, water flows in the area should not be disrupted.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by May 10, 2007. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Freeborn & Peters LLP

Natural Resources Conservation Service
April 10, 2007
Page 2

Sincerely,

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Brian Nettles

/bn
Enclosure

Freeborn & Peters LLP

December 19, 2006

Natural Resources Conservation Service
Indio Service Center
82-901 Bliss
Indio, CA 92201-4355

Re: The BNSF Railway Company Abandonment of Riverside, California

Dear Sir or Madam

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606 6677
Tel 312 360 6000

Brian Nettles
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Thank you in advance for your cooperation.

Freeborn & Peters LLP

Natural Resources Conservation Service
December 19, 2006
Page 2

Sincerely,

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Brian Nettles

/bn
Enclosure

E



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011



In Reply Refer To
FWS-WRIV-52021

Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

APR 18 2007

Subj Species List for the BNSF Railway Company, City of Riverside, Riverside County,
California

Dear Mr. Nettles

This letter is in response to your written request, received on April 12, 2007, for information on federally endangered, threatened, proposed, and candidate species that occur in the vicinity of the proposed railway abandonment project located south of Interstate 91, parallel to Jefferson Avenue and bisecting Lincoln Avenue in the City of Riverside, Riverside County, California. To assist you in evaluating the potential occurrence of federally listed endangered, threatened, proposed, and candidate species that may occur in the vicinity of the area identified, we are providing the enclosed list.

Section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires Federal agencies to consult with us, the U.S. Fish and Wildlife Service, should it be determined that their actions may affect federally listed threatened or endangered species. Section 9 of the Act prohibits the "take" (e.g., harm, harassment, pursuit, injury, kill) of federally listed wildlife. "Harm" is further defined to include habitat modification or degradation where it kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering. Take incidental to otherwise lawful activities can be authorized under sections 7 (Federal consultations) and 10 (habitat conservation plans) of the Act.

If a proposed project is authorized, funded, or carried out by a Federal agency and may affect a listed species, then the Federal agency must consult with us on behalf of the applicant, pursuant to section 7 of the Act. In other words, any activity on private land that requires Federal involvement (such as the issuance of a section 404 permit under the Clean Water Act by the U.S. Army Corps of Engineers) and may affect listed species must be reviewed by us to ensure that the continued existence of the species would not be jeopardized. During the section 7 process, measures to avoid and minimize project effects to listed species and their habitat will be identified and incorporated into a biological opinion that includes an incidental take statement that authorizes incidental take by the Federal agency and applicant.

TAKE PRIDE
IN AMERICA 

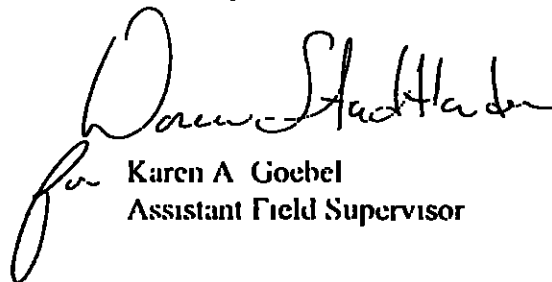
If a proposed project does not involve a Federal agency, but is likely to result in the take of a listed animal species, then the landowner or project proponent should apply for an incidental take permit, pursuant to section 10 of the Act. When an application is made for an incidental take permit, measures to avoid, minimize, or mitigate for effects to listed species and their habitat will be identified and incorporated into a habitat conservation plan. If the habitat conservation plan and the application for the permit meet the issuance criteria, a permit authorizing incidental take is issued.

We do not have site-specific information for the project area. Therefore, we recommend that project proponents seek assistance from a biologist familiar with the habitat conditions and associated species in and around their project site to assess the actual potential for direct, indirect and cumulative impacts likely to result from the proposed activity.

We also recommend that you contact the California Department of Fish and Game for State-listed and other sensitive species that may occur in the area of the project. State listed species are protected under the provisions of the California Endangered Species Act. Rare plant species that may occur in the project area are included in the California Native Plant Society's (CNPS) inventory of rare and endangered vascular plants in California. State-listed and CNPS species require full consideration under the California Environmental Quality Act.

If you have any questions regarding this letter, please contact Kathleen Pollett of this office at (760) 431-9440, extension 357.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen A. Goebel". The signature is fluid and cursive, with a large initial "K" and "G".

Karen A. Goebel
Assistant Field Supervisor

**Federally Endangered, Threatened, Proposed, and Candidate Species and Critical
Habitat that May Occur in the Vicinity of the Proposed BNSF Railway, Railway
Abandonment Project, City of Riverside, Riverside County, California
April 16, 2007**

Common Name	Scientific Name	Federal Status	Critical Habitat in Vicinity
<u>Plants</u>			
Munz's onion	<i>Allium munzii</i>	endangered	none
San Diego Ambrosia	<i>Ambrosia pumila</i>	endangered	N/A*
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	threatened	none
slender-horned spineflower	<i>Dodecahema leptoceras</i>	endangered	N/A
Santa Ana River woolly- star	<i>Eriastrum densifolium</i> ssp <i>sanctorum</i>	endangered	N/A
<u>Birds</u>			
southwestern willow flycatcher	<i>Empidonax traillii eximius</i>	endangered	none
least Bell's vireo	<i>Vireo bellii pusillus</i>	endangered	none
<u>Mammals</u>			
Stevens' kangaroo rat	<i>Dipodomys stephensi</i>	endangered	N/A
<u>Insects</u>			
Delhi Sands flower-loving fly	<i>Rhaphiomidas terminatus</i> <i>abdominalis</i>	endangered	N/A

* N/A = Not Applicable

F

Freeborn & Peters LLP

April 10, 2007

California Dept. of Parks and Recreation
1416 9th Street
Sacramento, CA 95814

Re: The BNSF Railway Company Abandonment of Riverside, California

Dear Sir or Madam

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606 6611
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6596
bnettl@
freebornpeters.com

Chicago

Springfield

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between ES 0 + 00 and ES 26 + 35 in Riverside, California

As part of the environmental report BNSF needs to know whether or not there are any wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area and if so, what effects would occur as a result of the abandonment

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Please provide this information by May 10, 2007. Thank you for your cooperation.

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Thank you in advance for your cooperation.

Freeborn & Peters LLP

California Dept. of Parks and Recreation
April 10, 2007
Page 2

Sincerely,

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Brian Nettles

/bn
Enclosure

Freeborn & Peters LLP

December 19, 2006

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Sacramento, CA 95814

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Dear Sir or Madam

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December 19, 2006
Page 2

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Brian Nettles

/bn
Enclosure

G



United States Department of the Interior



Bureau of Land Management
690 W Garnet Ave , P O Box 581260
North Palm Springs, CA 92258-1260
Phone (760) 251-4804 Fax (760) 251-4899
<http://www.blm.gov/ca/palmsprings>

July 20, 2007

In Reply Refer To
2000 (P)
(CA-660 67)

Freehorn & Peters, LLP
Attn: Michael A. Smith
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Subject: The BNSF Railway Company Abandonment of Riverside, California

Mr. Smith:

The Bureau of Land Management (BLM) has received your Environmental and Historic Reports relating to the proposed BNSF Railway Abandonment, as well as your letter requesting that BLM review the information in these reports.

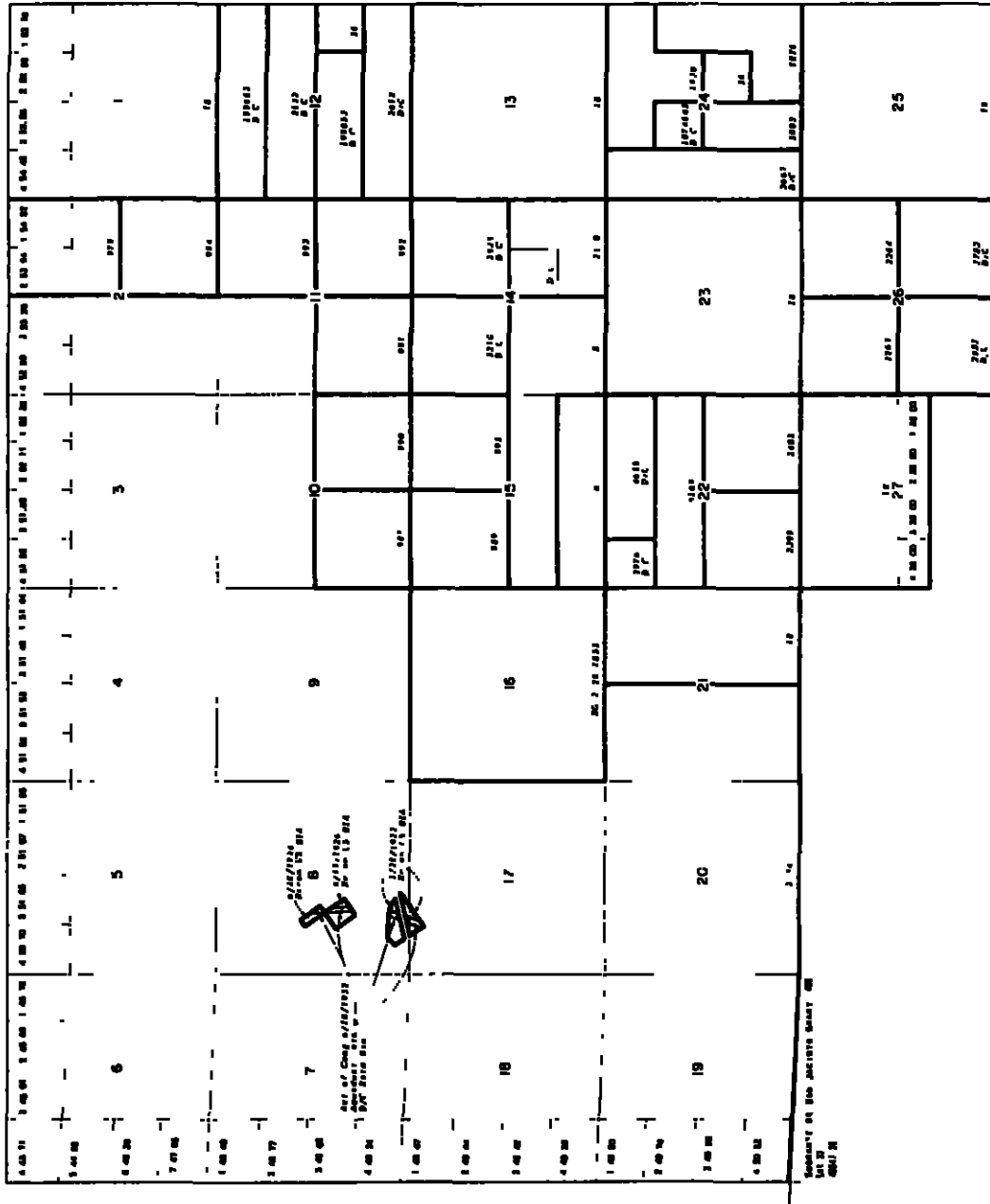
From the maps you have provided, it is our understanding that BNSF proposes to abandon a spur line located in Section 9, T. 3 S., R. 5 W., SBBM. After checking our official records, which consist of our Master Title Plats, Historical Indices, and Legacy Rehost 2000 (LR 2000) database, we have confirmed that Section 9 was conveyed out of federal ownership on 7/15/1870, as part of Cash Entry Patent No. 2234. The Railroad spur was initially built in 1896-1898 (see page 2 of the Historical Report). Additionally, LR 2000 has no case files for Section 9. Therefore, the BLM has concluded that there is no federal land or interest in land in Section 9 and that the proposed action will have no effect on the BLM.

Enclosed is a copy of the Master Title Plat for T. 3 S., R. 5 W., SBBM, including Section 9, and a copy of the Historical Index for this township. If you have additional questions concerning this matter, please contact Allison Shaffer, Realty Specialist at (760) 251-4804.

TOWNSHIP 3 SOUTH RANGE 5 WEST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

RIVERSIDE COUNTY
CALIFORNIA DEPUTY DIST. 10-11



INDEX TO SUBDIVIDED TRACTS

TRACT NO.	ACRES	ORIGINAL SURVEY	REMARKS
1	1.00	1890-1891	
2	1.00	1890-1891	
3	1.00	1890-1891	
4	1.00	1890-1891	
5	1.00	1890-1891	
6	1.00	1890-1891	
7	1.00	1890-1891	
8	1.00	1890-1891	
9	1.00	1890-1891	
10	1.00	1890-1891	
11	1.00	1890-1891	
12	1.00	1890-1891	
13	1.00	1890-1891	
14	1.00	1890-1891	
15	1.00	1890-1891	
16	1.00	1890-1891	
17	1.00	1890-1891	
18	1.00	1890-1891	
19	1.00	1890-1891	
20	1.00	1890-1891	
21	1.00	1890-1891	
22	1.00	1890-1891	
23	1.00	1890-1891	
24	1.00	1890-1891	
25	1.00	1890-1891	
26	1.00	1890-1891	

THE UNDERSIGNED, JAMES H. JONES, DEPUTY DISTRICT CLERK OF RIVERSIDE COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS KEPT IN HIS OFFICE.

APPROVED AND FORWARDED:

JAMES H. JONES
Deputy District Clerk

NOTARY PUBLIC
RIVERSIDE COUNTY, CALIFORNIA

THIS MAP IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS KEPT IN HIS OFFICE. THE UNDERSIGNED, JAMES H. JONES, DEPUTY DISTRICT CLERK OF RIVERSIDE COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS KEPT IN HIS OFFICE.

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Freeborn & Peters LLP

December 19, 2006

Michael Roth
California Regional Water Quality Control
Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Re: The BNSF Railway Company Abandonment of Riverside, California

Dear Mr. Roth

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
50606-6677
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312.360 6336
Fax 312 360 6596
bnettl@
freebornpeters.com

Chicago

Springfield

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between ES 0 + 00 and ES 26 + 35 in Riverside, California

As part of the environmental report, BNSF needs to know whether or not this action will be consistent with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") are required as a result of the proposed abandonment.

The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties are removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures are removed last. Culverts and the rail line embankment stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings are pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are required not to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right of way. When the salvage process is complete, waterflows in the area should not be disrupted.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by January 19, 2007. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation

Freeborn & Peters LLP

**Michael Roth
December 19, 2006
Page 2**

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Nettles", with a long horizontal flourish extending to the right.

Brian Nettles

/s/
Enclosure

I



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF
Office of the Chief
Regulatory Division

April 3, 2007

Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive
Chicago, Illinois 60606-6627

Dear Mr. Nettles:

Reference is made to your letter (No. SP1-2007-339-FBV), dated December 19, 2006, for a jurisdictional determination along BNSF railroad line LS 0 + 00 and LS 26 + 35 in the city of Riverside, Riverside County, California (as shown on enclosed map)

Based on the information furnished in your letter, we have determined that your proposed project does not discharge dredged or fill material into a water of the United States or an adjacent wetland. Therefore, the project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required from our office

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process for jurisdictional determinations which is fully described at 33 CFR Part 331. The Administrative Appeal Process for jurisdictional determinations is diagrammed on the enclosed Appendix C. If you decide not to accept this approved jurisdictional determination and wish to provide new information, please send the information to this office. If you do not supply additional information you may appeal this approved jurisdictional determination by completing the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form and submitting it directly to the Appeal Review Officer at the address provided on the form.

Please be aware that our determination does not preclude the need to comply with Section 13260 of the California Water Code (Porter/Cologne) and we recommend that you contact the California Regional Water Quality Control Board to insure compliance with the above regulations. Furthermore, our determination does not obviate the need to obtain other Federal, state, or local authorizations required by law.

If you have any questions, please contact Forrest Vanderbilt at 213-452-3289

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel P. Swenson", written over a series of horizontal dashed lines.

Daniel P. Swenson
Senior Project Manager
South Coast Branch
Regulatory Division

RIVERSIDE, CALIFORNIA TRACKAGE

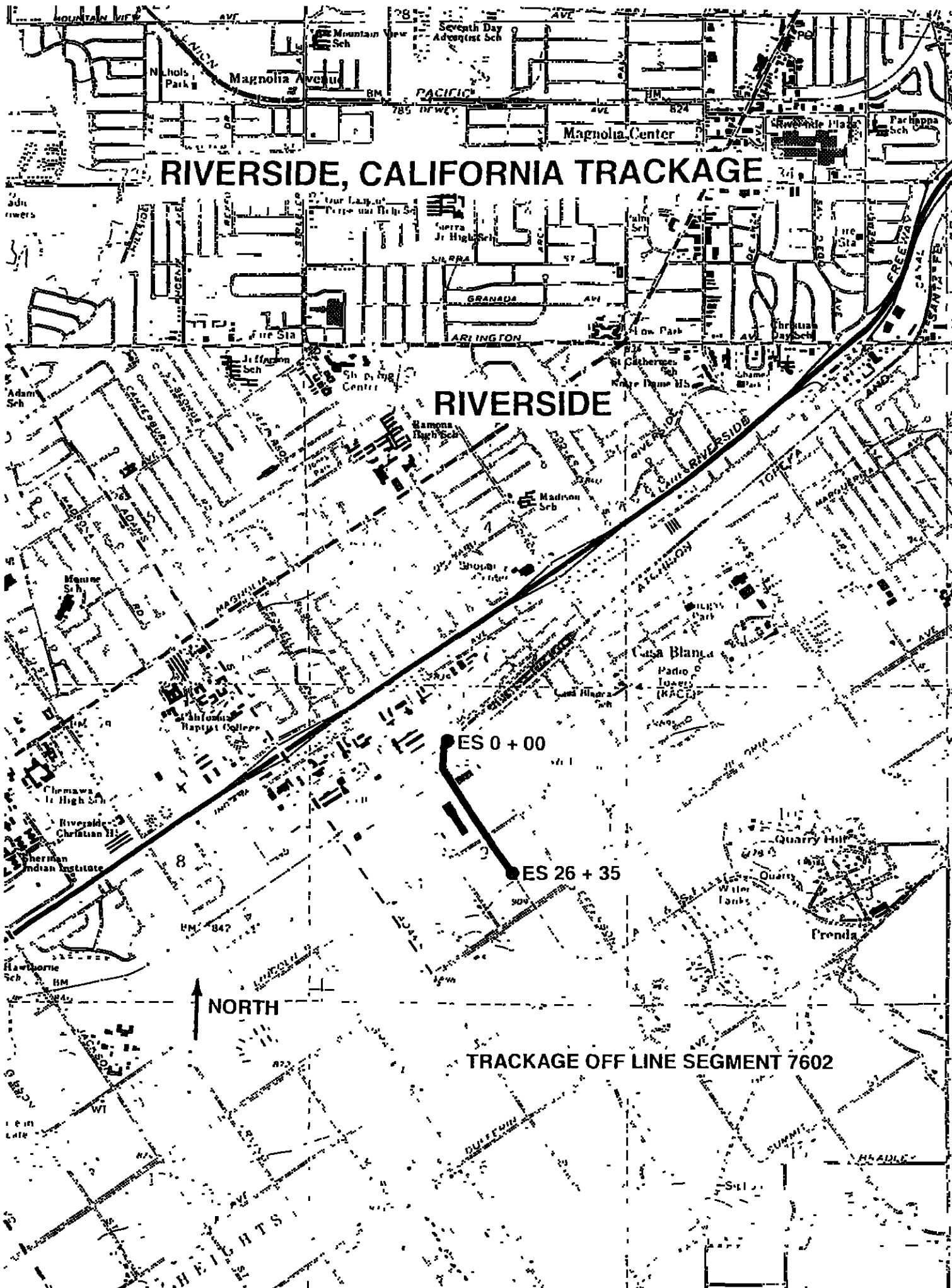
RIVERSIDE

ES 0 + 00

ES 26 + 35

NORTH

TRACKAGE OFF LINE SEGMENT 7602



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Brian Nettles, Freeborn & Peters LLP | **File Number:** SPL-2007-339-FBV

Date: April 3, 2007

Attached is:

See Section below

<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/jct/functions/cw/ccgw6ref/or> Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT. You may accept or object to the permit

- **ACCEPT** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B. PROFFERED PERMIT. You may accept or appeal the permit

- **ACCEPT** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL. You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D. APPROVED JURISDICTIONAL DETERMINATION. You may accept or appeal the approved JD or provide new information.

- **ACCEPT** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

F. PRELIMINARY JURISDICTIONAL DETERMINATION. You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II REQUEST FOR APPEAL OF OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

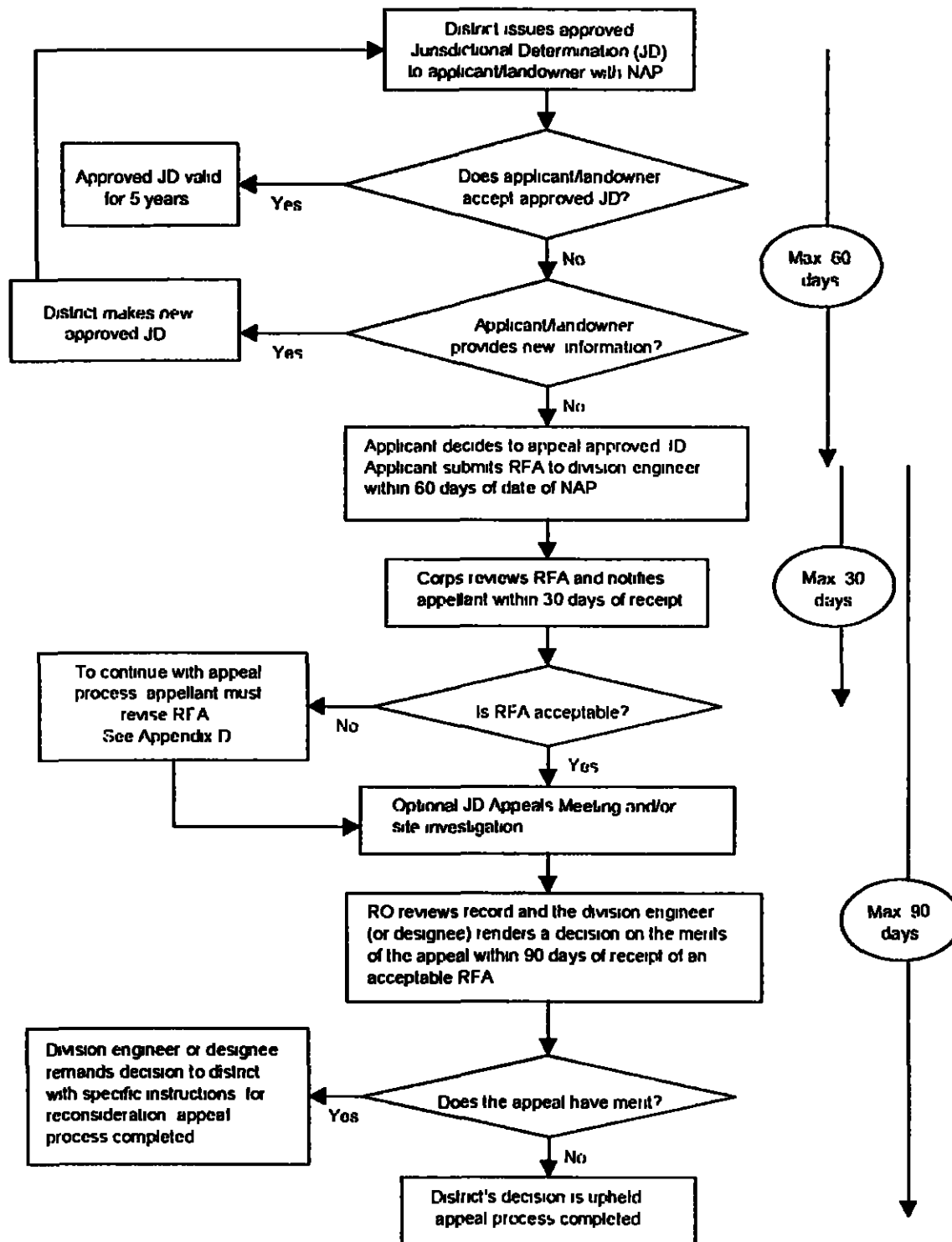
POINT OF CONTACT FOR QUESTIONS OR INFORMATION

<p>If you have questions regarding this decision and/or the appeal process you may contact</p> <p>DISTRICT ENGINEER Los Angeles District, Corps of Engineers ATTN: Chief, Regulatory Branch P O Box 532711 Los Angeles, CA 90053-2325</p> <p>Tel. (213) 452-3425 FAX (213) 452-4196</p>	<p>If you only have questions regarding the appeal process you may also contact</p> <p>Douglas R. Pomeroy, Appeal Review Officer U.S. Army Corps of Engineers, CE/SPD-1.1-CO 333 Market Street San Francisco, CA 94015-2195</p> <p>Tel. (415) 977-8035 FAX (415) 977-8047</p>
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RIGHT OF ENTRY Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<p>Signature of appellant or agent.</p>	<p>Date</p>	<p>Telephone number</p>
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Administrative Appeal Process for Approved Jurisdictional Determinations



J

Freeborn & Peters LLP

December 19, 2006

Riverside Public Works Department
3900 Main Street
Riverside, CA 92522

Re: *The BNSF Railway Company Abandonment of Riverside, California*

Dear Sir or Madam.

Attorneys at Law

111 South Wacker Drive
Suite 3000
Chicago, Illinois
312.360.6677
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6596
bnettl@
freebornpeters.com

Chicago

Springfield

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between ES 0 + 00 and ES 26 + 35 in Riverside, California

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & ½ by 11 black and white maps in the area of each designated floodplain if they are available

The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties are removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site) The bridges and crossings as well as any other structures are removed last. Culverts and the rail line embankment stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings are pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are required not to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right of way. When the salvage process is complete, waterflows in the area should not be disrupted.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by January 19, 2007. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Freeborn & Peters LLP

**Riverside Public Works Department
December 19, 2006
Page 2**

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Nettles", with a stylized flourish at the end.

Brian Nettles

**/bn
Enclosure**

Freeborn & Peters LLP

April 10, 2007

Riverside Public Works Department
3900 Main Street
Riverside, CA 92522

Re: The BNSF Railway Company Abandonment of Riverside, California

Dear Sir or Madam

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606 6677
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6596
bnettl@
freebornpeters.com

Chicago

Springfield

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between ES 0 + 00 and ES 26 + 35 in Riverside, California

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & 1/2 by 11 black and white maps in the area of each designated floodplain if they are available.

The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties are removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures are removed last. Culverts and the rail line embankment stay intact so as not to alter the prevailing water flows along the line. Any bridge pilings are pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are required not to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right of way. When the salvage process is complete, water flows in the area should not be disrupted.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by May 10, 2007. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Freeborn & Peters LLP

Riverside Public Works Department
April 10, 2007
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Nettles", with a long horizontal flourish extending to the right.

Brian Nettles

/bn
Enclosure

K

PyfaceEASTERN INFORMATION CENTER
CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM
Department of Anthropology, University of California, Riverside, CA 92521-0418
(951) 827-5745 - Fax (951) 827-5409 - eickw@ucr.edu
Inyo, Mono, and Riverside Counties

April 12, 2007
RS #3925

Brian Nettles
Freeborn and Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Re: Cultural Resource Records Search for The BNSF Railway Company
Abandonment of Riverside, California

Dear Mr. Nettles:

We received your request on March 12, 2007 (and payment on April 11, 2007) for a cultural resource records search for the BNSF Railway Company Abandonment of Riverside, California project, located in Section 9, T.3S, R.5W, SBBM, in the city of Riverside in Riverside County. We have reviewed our maps, records, and reports against the project area defined on the map you provided.

Our records indicate that two cultural resources studies involved a portion of the project area, however, no cultural resources properties are recorded within the boundaries of the project area.

Additional sources of information consulted are identified below.

National Register of Historic Places: no listed properties are located within the boundaries of the project area.

Office of Historic Preservation, Archaeological Determinations of Eligibility: no listed sites are located within the boundaries of the project area.

Office of Historic Preservation, Directory of Properties in the Historic Property Data File: no listed properties are located within the boundaries of the project area.

Brian Nettles
April 12, 2007
Page 2

Note: not all properties in the California Historical Resources Information System are listed in the OHP ADOE and HPD; the ADOE and HPD comprise lists of properties submitted to the OHP for review.

The 1942 USGS Riverside 15' and the 1901 USGS Elsinore 30' topographic maps do not indicate the presence of possible historical structures or features within the boundaries of the project area.

Based on the information reviewed, cultural resources may be present within the boundaries of the project area and further study is recommended. The project area should be surveyed systematically by a qualified archaeologist to identify all cultural resources and provide recommendations regarding their significance and management prior to any development of the property. Enclosed is a list of cultural resources consultants.

Sincerely,

A handwritten signature in black ink, appearing to read "Janis Calleja". The signature is fluid and cursive, with a large initial "J" and a stylized "C".

Janis Calleja
Information Officer

Enclosure